

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 3/11/20

NEIL GONZALEZ,

Plaintiff,

v.

METRO-NORTH COMMUTER  
RAILROAD,

Defendant.

No. 18-CV-7660 (RA)

ORDER

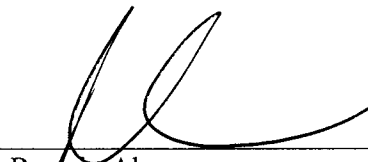
RONNIE ABRAMS, United States District Judge:

As will be discussed in more detail at the final pre-trial conference on May 21, 2020, the Court agrees with Plaintiff that the admission of evidence regarding Plaintiff's termination or other disciplinary actions against him, including through the testimony of J. Pepitone, would be irrelevant and unduly prejudicial to Plaintiff on the issue of liability. The Court would, however, like to hear from the parties further on the admissibility of such evidence with respect to damages. Accordingly, no later than April 13, 2020, the parties shall file supplemental letters addressing whether, and to what extent, evidence regarding disciplinary actions against Plaintiff (including his termination) may be admissible with respect to damages on his claims for lost future wages and diminished earning capacity.

Plaintiff's *in limine* motion is thus granted without prejudice to renew. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 27.

SO ORDERED.

Dated: March 11, 2020  
New York, New York

  
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Ronnie Abrams  
United States District Judge